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October 18, 2024

VIA ECF

The Honorable Naomi Reice Buchwald, U.S.D.J.
Daniel Patrick Moynihan
United States Courthouse, Courtroom 21A
500 Pearl St.
New York, NY 10007-1312

Re: Nike, Inc. v. S2, Inc. et al., USDC SDNY Case No. 1:24-cv-05307-NRB

Dear Judge Buchwald:

We represent plaintiff Nike, Inc. ("Nike") in the above-captioned matter and write in response to defendants S2, Inc. d/b/a The Shoe Surgeon, Surgeon Worldwide, Inc., Dominic Chambrone a/k/a Dominic Ciambrone, and Dallas Imbimbo's (the "Defendants") letter motion requesting an additional 30 days to file a response to Nike's July 15, 2024 Complaint. (ECF No. 32.) In contravention of the Court's Individual Practices 1(E) and 2(B), Defendants did not meet and confer with Nike before filing their extension request so Nike only saw it when it was filed.

Defendants have already been granted one 30 day extension to respond to the Complaint, resulting in their September 6, 2024 letter motion requesting to file a motion to dismiss under Fed. R. Civ. P. 12(b)(2)-(3). (ECF Nos. 23, 26.) While Nike defers to the Court on setting Defendants' responsive deadline, Nike notes that in their Rule 12 letter motion, Defendants invoked as a supposed reason for transfer the relative speed in which the Central District of California gets cases to trial. (ECF No. 26 at 3.) An additional 30 days to respond and to only proceed with discovery thereafter, as Defendants now request, is contradictory to both parties' desires to move this case forward.

Accordingly, Nike respectfully requests that regardless of Defendants' deadline to answer, that the parties promptly appear for a Rule 16(b) Conference at the Court's earliest convenience to allow the parties to commence discovery.

Nike thanks the Court for its consideration.



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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tamar Y. Duvdevani".

Tamar Y. Duvdevani

CC: All counsel of record (via ECF)